UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,774	10/02/2003	Toby Moores	DAVIDK 3.9-009 CONT	9138

530	7590	10/21/2005

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER
LY, NGHI H

ART UNIT	PAPER NUMBER
2686	

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	10/677,774	MOORES ET AL.
	Examiner	Art Unit	
	Nghi H. Ly	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 October 2003</u>.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-55</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-55</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All b)☐ Some * c)☐ None of:
      1.☒ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10/02/03</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Culver

et al (US 6,298,129).

Regarding claims 1, 7, 22, 26, 30, 31 and 51-55, Culver teaches a method of

recording and replaying at least part of a voice communication between two individuals

(see Abstract), at least one individual using a portable mobile telecommunications

device for the voice communication (see fig.1, item 16), the method comprising:

recording at least part of the voice communication (see column 3, line 64 to column 4,

line 24), associating one or more tags with selected respective points or portions within

the recording (see column 3, line 64 to column 4, line 24), each tag being machine

interpretable and indicating a meaning of the respective point or portion within the

recording (see column 3, line 64 to column 4, line 24), storing the recording and tags in

a location accessible by the at least one individual (see Abstract and column 1, lines 44-

65), accessing the stored recording and tags (see column 3, line 64 to column 4, line

24), navigating through the recording to a point or portion of interest, as indicated by

one or more of the tags (see column 2, lines 27-42 and column 3, line 64 to column 4, line 24), and replaying the point or portion of interest of the recording (see column 2, lines 27-42 and column 8, line 66 to column 10, line 19), wherein the associating, accessing, navigating and replaying steps are carried out under the control of the at least one individual by inputting data into their portable mobile telecommunications device (see column 4, lines 4-11, column 5, lines 50-58 and column 8, line 66 to column 10, line 19).

Regarding claim 2, Culver further teaches the associating step further comprises selecting the one or more tags to be associated with selected points or portions within the recording from a predetermined plurality of different types of tags, each tag having a different meaning (see column 3, line 64 to column 4, line 24).

Regarding claim 3, Culver further teaches the storing step comprises storing the recording and tags in a location accessible to both of the two individuals (see Abstract and column 3, line 64 to column 4, line 24).

Regarding claim 4, Culver further teaches the storing step comprises storing the recording and tags in a location accessible to individuals other than the two individuals (see column 1, lines 44-65 and column 6, lines 18-25).

Regarding claim 5, Culver further teaches the method further comprises generating voice signals automatically within the voice communication using a machine as one of the individuals (see Abstract, column 2, lines 27-42 and column 5, lines 19-32).

Regarding claim 6, Culver further teaches the associating step comprises

associating at least one of the tags while the voice communication is still proceeding (see column 3, line 64 to column 4, line 24).

Regarding claim 8, Culver further teaches the transmitting step comprises transmitting a pre-recorded voice message for the second individual (see Abstract and column 2, lines 27-42).

Regarding claim 9, Culver further teaches the method further comprises generating voice signals automatically within the voice message using a machine as the first individual (see Abstract and column 2, lines 27-42).

Regarding claim 10, Culver further teaches the associating, accessing, navigating and replaying steps are carried out by using a key pad of the respective telecommunications device (see column 4, lines 4-11 and column 5, lines 33-58).

Regarding claim 11, Culver further teaches the associating step comprises selecting a tag by pressing a key on the key pad, the possible tags being associated with respective keys of the key pad (see column 4, lines 4-11 and column 5, lines 33-58).

Regarding claim 12, Culver further teaches the navigating step comprises navigating to tags at different positions within the recording by asserting the keys associated with the respective tags (see column 5, lines 33-58).

Regarding claim 13, Culver further teaches the associating, accessing, navigating and replaying steps are carried out by using voice recognition software to process oral commands (see column 4, lines 36-41 and column 5, lines 11-18).

Regarding claim 14, Culver further teaches associating one or more DTMF tones

with an audio track recording (see column 4, lines 4-11).

Regarding claim 15, Culver further teaches associating one or more tags with the

voice message during the transmitting step (see column 3, line 64 to column 4, line 24).

Regarding claim 16, Culver further teaches the navigating step comprises

locating automatically the points or portions of the recording using the tags and the

method further comprises processing the recording based on the meaning of the tags

(see column 3, line 64 to column 4, line 24).

Regarding claim 17, Culver further teaches selecting at least one segment of the

recording based on the tags (see column 3, line 64 to column 4, line 24) and generating

an edited version of the recording including or excluding the at least one segment (see

column 5, lines 1-3).

Regarding claim 18, Culver further teaches determining, for differing sections of

the recording, differing values of an interest parameter indicating the interest of those

sections of the recording using the tags (see column 3, line 64 to column 4, line 24).

Regarding claim 19, Culver further teaches displaying a visual representation of

the recording including symbols indicating locations of the tags within the recording (see

fig.4 and column 3, line 64 to column 4, line 24).

Regarding claim 20, Culver further teaches displaying a visual representation

which includes a timeline (see fig.4).

Regarding claim 21, Culver further teaches displaying a visual representation of

the recording which includes icons representing events or articles associated with points

or portions of the recording (see fig.4).

Regarding claim 23, Culver further teaches the recording device is associated with an operator of the communication network and is located remotely from the telecommunications devices (see fig.1).

Regarding claim 24, Culver further teaches the recording device is associated with the mobile portable telecommunications device and is proximate or connected to the mobile portable telecommunications device (see fig.1, item 16).

Regarding claim 25, Culver further teaches the telecommunications devices comprise video telephone devices (see column 1, lines 21-65).

Regarding claim 27, Culver further teaches the navigation system is controlled by control signals specified by the input means under user control (see column 5, lines 33-58).

Regarding claim 28, Culver further teaches editing means for editing points or portions of interest as indicated by the machine readable markers (see column 5, lines 1-3).

Regarding claim 29, Culver further teaches each marker is a selected marker from a plurality of different types of marker, each type having a different meaning (see column 3, lines 9-28 and column 3, line 64 to column 4, line 24).

Regarding claim 32, Culver further teaches the storing step comprises storing the recording and tags in a location accessible to both of the two individuals (see Abstract and column 3, line 64 to column 4, line 24).

Regarding claim 33, Culver further teaches the storing step comprises storing the recording and tags in a location accessible to individuals other than the two individuals

(see Abstract and column 3, line 64 to column 4, line 24).

Regarding claim 34, Culver further teaches associating at least one of the tags while the voice communication is still proceeding (see column 3, line 64 to column 4, line 24).

Regarding claim 35, Culver further teaches associating, accessing, navigating and replaying steps are carried out by using a key pad of the respective telecommunications device and the associating step comprises selecting a tag by pressing a key on the key pad, the possible tags being associated with respective keys of the key pad (see column 4, lines 4-11 and column 5, lines 50-58).

Regarding claim 36, Culver further teaches navigating to tags at different positions within the recording by asserting the keys associated with the respective tags (see column 4, lines 4-11 and column 5, lines 50-58).

Regarding claim 37, Culver further teaches the navigating step comprises locating automatically the points or portions of the recording using the tags and the method further comprises processing the recording based on the meaning of the tags (column 3, line 64 to column 4, line 24).

Regarding claim 38, Culver further teaches determining, for differing sections of the recording, differing values of an interest parameter indicating the interest of those sections of the recording using the tags (see column 3, line 64 to column 4, line 24).

Regarding claim 39, Culver further teaches the navigating step further comprises displaying a visual representation of the recording including symbols indicating locations of the tags within the recording (see fig.4).

Regarding claim 40, Culver further teaches the associating, accessing,

navigating and replaying steps are carried out by using a key pad of the respective

telecommunications device (see column 4, lines 4-11, column 5, lines 50-58).

Regarding claim 41, Culver further associating step comprises selecting a tag by

pressing a key on the key pad, the possible tags being associated with respective keys

of the key pad (see column 4, lines 4-11, column 5, lines 50-58).

Regarding claim 42, Culver further teaches the navigating step comprises

navigating to tags at different positions within the recording by asserting the keys

associated with the respective tags (see column 4, lines 4-11, column 5, lines 50-58).

Regarding claim 43, Culver further teaches the associating, accessing,

navigating and replaying steps are carried out by using voice recognition software to

process oral commands (see column 4, lines 36-41 and column 5, lines 11-18).

Regarding claim 44, Culver further teaches the associating step comprises

associating one or more DTMF tones with an audio track recording (see column 1, lines

56-63 and column 4, lines 4-11).

Regarding claim 45, Culver further teaches locating automatically the points or

portions of the recording using the tags and the method further comprises processing

the recording based on the meaning of the tags (see column 3, line 64 to column 4, line

24).

Regarding claim 46, Culver further teaches selecting at least one segment of the

recording based on the tags (see column 3, line 64 to column 4, line 24) and generating

an edited version of the recording including or excluding the at least one segment (see

column 5, lines 1-3).

Regarding claim 47, Culver further teaches determining, for differing sections of the recording, differing values of an interest parameter indicating the interest of those sections of the recording using the tags (see column 3, line 64 to column 4, line 24).

Regarding claim 48, Culver further teaches the navigating step further comprises displaying a visual representation of the recording including symbols indicating locations of the tags within the recording (see column 3, line 64 to column 4, line 24).

Regarding claim 49, Culver further teaches the displaying step comprises displaying a visual representation which includes a timeline (see fig.4).

Regarding claim 50, Culver further teaches the displaying step comprises displaying a visual representation of the recording which includes icons representing events or articles associated with points or portions of the recording (see fig.4).

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

   a. Van Lente (US 6,694,126) teaches digital memo recorder.

   b. Courtis (US 6,272,361) teaches radio telephone.

   c. Zidel (US 6,330,436) teaches enhanced wireless messaging notification system.
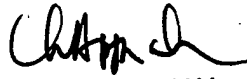
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

10/18/05

CHARLES APPIAH
PRIMARY EXAMINER